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REMARKS

Claims 2, 3 and 5-7 are pending in this application. Claims 1 and 4 have been cancelled without prejudice to their continued prosecution in a continuation application. Claims 2 and 5 have been amended merely to be in independent form and claim 3 has been amended merely to change its dependency from claim 1 to claim 2.

The Office Action dated May 20, 2005 rejected claims 1 and 4 as being anticipated by U.S. Patent No. 6,731,642 issued to Borella et al. The Office Action also rejected claims 2, 3, 5 and 6 as being rendered obvious by U.S. Patent No. 6,731,642 issued to Borella et al in view of U.S. Patent No. 6,446,127 issued to Schuster et al., and rejected claim 7 in further view of U.S. Patent No. 6,765,931 to Rabenko et al.

Interview Summary

Applicants note several telephone calls with the Examiner due to the fact that the above applied references, and the other references cited in the PTO-892 form attached to the Office Action, were not initially available. Applicants gratefully acknowledge the quick reaction and assistance of the Office in making the references available once the error became known. Noting that the Office Action was initially incomplete, applicants respectfully request that they be allowed to file a Supplemental Response or Amendment if they should find it desireable to do so upon a more thorough review of the cited references.

Anticipation Rejection - Claims 1 and 4

The grounds for the rejection of claims 1 and 4 as being anticipated by U.S. Patent No. 6,731,642 issued to Borella et al is set forth in part 2 on pages 2-3 of the Office Action. Specifically, the rejection relies upon the preferred embodiment described in the Abstract, col. 3, lines 14-44, and col. 11, lines 48-52, of the patent (this embodiment hereinafter referred to simply as "Borella"). Applicants respectfully traverse the rejection at least because it fails to establish a prima facie case that Borella includes each and every one of the combination of features recited in claims 1 and 4.

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The rejection cites many aspects of Borella (at col. 2 of the patent), mentions the registration process of Borella (citing col. 7, line 23, to col. 8, line 45, of the patent), as well as other details of Borella, although these cited aspects are not recited in claims 1 and 4. The Abstract is cited and provides a mere overview of Borella. The rejections cite col. 3, lines 14-44, of the patent, but the paragraph at lines 14-20 discusses Internet telephony generally, the paragraph at lines 21-33 discusses network address translation, and the paragraph at lines 34-44 discusses privacy and security. The rejection cites col. 11, lines 48-52, of the patent, but this paragraph mentions that components work together to prevent unauthorized calls, which feature is not recited in claims 1 and 4.

On the other hand, claim 1 is a method claim reciting seven steps (a) - (g) and claim 4 is a corresponding system claim. The rejection does not address or discuss these steps, and thus fails to show that they are included in Borella. For at least this reason, applicants respectfully submit that the rejection fails to establish a *prima facie* case that Borella includes each and every one of the combination of features recited in claims 1 and 4.

Obviousness Rejection - Claims 2, 3, 5 and 6

The grounds for the rejection of claims 2, 3, 5, and 6 is set forth in part 4 on pages 3-4 of the Office Action. Specifically, the rejection asserts that the rejected claims are obvious over Borella when considered in view of U.S. Patent No. 6,446,127 issued to Schuster et al. Applicants respectfully traverse this rejection on the grounds that it fails to establish a *prima facie* case that each and every one of the combination of features recited in claims 2, 3, 5 and 6 is suggested by the applied references.

Claims 2 and 5 are dependent on claims 1 and 4, respectively and additionally recite that the router includes at least one port having a time out period. The rejection acknowledges that Borella does not include this feature, but asserts that one would have been motivated to "implement the use of implementing a time-out period, wherein it does not affect the routing of connection/request messages or communication attempts as taught by Schuster . . . for the purpose of further managing communication between users by directing the system to end call if request messages are unanswered by other party, thereby limiting network congestion."

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The rejection cites col. 23, lines 40-53, of the Schuster patent, which reads as follows:

"FIG. 13 is a pictorial diagram showing an exemplary display screen 1000 of a PID 410 displaying a conference call attempt 1002 according to one embodiment of the present invention. Such a screen 1000 may be part of a conference call application 1004 executed after contact entries are flagged in the example of FIG. 12 to initiate a conference call. The conference call application 1004 is shown attempting a conference call to two communication partners: UserB 1006 and UserC 1008. Note that a timeout period may be set to end a call attempt to a communication partner that does not respond. Other methods for handling unanswered requests may also be implemented, and are intended to be within the scope of the present invention." (emphasis added)

This is the only part of the Schuster patent that mentions a timeout period. The timeout period in Schuster is set to end a call attempt and is suggested as being one possible method for handling unanswered call requests. If the called party does not respond to a call attempt, then the attempt is ended after a certain time period. While the same terminology ("time-out period") is used in the Schuster patent as in the claims, the time-out period in the Schuster patent is different than the feature recited in claims 2 and 5, wherein a port of a router has a time out period.

The rejection also seems to imply that the router in the Schuster patent inherently has a time-out period, but there is no support for such an assertion. This portion of the patent discusses a conference call application with certain features, and the time-out period is not indicated to be associated with the router rather than the conference call application.

Claims 3 and 6

Claim 3 additionally recites that at least one of the messages sent in step (e) is sent during the timeout period. Claim 6 additionally recites that the destination comprises a server coupled to send at least one of the other messages within the time out period.

The messages sent in step (e) are sent from the destination after a response message is sent from the destination in step (c). The messages in step (e) are not sent if the response message is not sent in step (c). As explained above, the timeout period in the Schuster et al patent applies when the called party does not respond, and thus the timeout period in the Schuster et al patent is a time period within which the response message in step (c), rather than one of the messages in step (e), must be sent.

Obviousness Rejection - Claim 7

The grounds for the rejection of claim 7 is set forth in part 5 on page 4 of the Office Action. Specifically, the rejection asserts that claim 7 is obvious for the same reason as claim 6, further in view of U.S. Patent No. 6,765,931 to Rabenko et al. In addition to the reasons set forth above with respect to claims 4-6, applicants respectfully traverse the rejection of claim 7 on the additional grounds that it fails to establish a *prima facie* case that the applied references suggest an enhanced Internet telephony system having each and every one of the combination of features recited in the claim.

Claim 7 additionally recites that the source comprises a media terminal adapter. The rejection asserts that it would have been obvious to further modify Borella to include the media terminal adapter in the Rabenko et al patent "for the purpose of further improved VOIP services between telephony devices/subscribers." Apparently, it is intended that telephony interfaces 22, 28 of Borella are to be substituted with the media terminal adapter of the Rabenko et al patent.

The Rabenko et al patent thoroughly describes a hybrid fiber coaxial network including a large number of implementation details. One of ordinary skill in the art, upon considering the Rabenko et al patent, might consider it to describe a better network (see col. 1, lines 21-28) than a telephone network and thus be motivated to use such a hybrid fiber coaxial network. However, out of the many details in the Rabenko et al patent, there is no reason why one of ordinary skill in the art would pick out only the media terminal adapter from the Rabenko et al patent other than the hindsight provided by this application. For example, the rejection does not point to any suggestion in the Rabenko et al patent for believing that telephone interfaces 22, 28 of Borella should be replaced with the media terminal adapter.

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Conclusion

Applicants respectfully submit that the rejections fail to establish that the pending claims are anticipated or rendered obvious by the prior art. It is respectfully requested that the pending claims be allowed and a formal Notice of Allowance be promptly mailed.

The Commissioner is hereby authorized to charge any additional fees which may be required or necessary for the consideration of this Amendment, including extension of time fees, or credit any overpayment, to deposit account No. 10-0100 (VONAG.P1).

Respectfully submitted,



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